

TOWN OF LITTLE CREEK RENTAL ORDINANCE

PART 1 RENTALS (Adopted 10/27/2019)

Section 9-8-100 Rental Properties - Purpose; applicability; definitions; compliance.

- (a) *Purpose.* The purpose and intent of this article is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of dwellings operated for lease to the public. The health, safety and welfare of the occupants of the dwellings are of the utmost importance to the Town, as is the general community character in which these dwelling units are located.
- (b) *Applicability.* The provisions of this article shall apply to all matters affecting or relating to rental dwellings. Where, in this article, different sections of this Code may specify different requirements, the most restrictive shall govern.
- (c) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
 - (1) *Criminal activity* is defined as any crime classified by applicable law as a (a) felony, (b) Class A misdemeanor, or (c) any of the following offenses: any drug offense defined by Title 16 of the Delaware Code, and the following misdemeanors in addition to any Class A misdemeanor, as defined by Title 11 of the Delaware Code: § 601—Offensive touching, § 602—Menacing, § 628—Vehicular assault 3, § 763—Sexual harassment, § 764—Indecent exposure, § 811—Criminal mischief, § 812—Graffiti, § 820—Trespassing, § 821/2/3—Criminal trespassing, § 1105—Crime against a vulnerable adult, § 1106—Unlawfully dealing with a child, § 1301—Disorderly conduct, § 1313—Malicious interference with emergency communications, § 1315—Public intoxication, § 1321—Loitering, § 1322—Criminal nuisance, § 1323—Obstructing of public passage, § 1341—Lewdness, § 1342—Prostitution, § 1343—Patronizing a prostitute, § 1445—Unlawfully dealing with a dangerous weapon, § 1446—Unlawfully dealing with a switchblade knife.
 - (2) *Dwelling unit* means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
 - (3) *Multiple-family dwellings* are not permitted in Little Creek. This shall include apartments, rooming houses, condominium dwelling units, and accessory apartments located within structures principally used for owner occupancy.
 - (4) *Rental dwelling* means a dwelling unit that is leased for occupancy to a person or persons in exchange for monetary payment or provision of goods or services to the owner of the dwelling unit.
 - (5) *Single-family dwellings* means dwelling units operated singly, and separated from other units. In general, this definition shall apply to single-family detached dwellings; mobile homes and manufactured homes; and attached units, including duplexes and townhouses.
- (d) *Compliance required.* No person shall operate, occupy or let to another for occupancy any dwelling which is not in compliance with the International Property Maintenance Code adopted in section 22-221 and all other applicable codes.

Section 9-8-101. - Inspection required.

- (a) The Town's code enforcement officer, in accordance with the procedures set forth in the International Property Maintenance Code adopted in section 22-221, shall inspect rental dwellings for compliance with the property maintenance code and all other applicable codes to ensure compliance.

- (b) Following an inspection, the code enforcement office shall issue a letter and/or report of any code violations and provide a timeline for compliance. There shall be no fee for the first follow-up inspection. Each subsequent reinspection shall be subject to a fee as provided for in Appendix 4—Fees and Fines.

Section 9-8-102. - Agent required.

- (a) *Property manager.* Any owner of a rental dwelling, residing outside of the county, shall be required to have a licensed property manager residing or having an office located in the county, or a family member or other designated individual who does not manage any other rental real estate for a fee and who resides in the county acting as a property manager. The property manager, including family members and designated individuals, shall have charge, care and control of the rental dwelling, and shall provide access to the rental dwelling for inspection, upon request by the code enforcer/building inspector within a reasonable time. (b) *Corporate or partnership owners.* Any corporation or partnership owning a rental dwelling shall have a designated member, partner, or employee having charge, care, and control of the rental dwelling. The designated member, partner or employee shall reside in or have an office located in the county, or shall be required to have a licensed property manager residing or having an office located in the county, or a family member or other designated individual who does not manage any other rental real estate for a fee, and who resides in the county, acting as a property manager. The property manager, family members or other designated individuals shall have charge, care and control of the rental dwelling, and shall provide access to the rental dwelling for inspection, upon request by the code enforcer/building inspector within a reasonable time.
- (b) The name, address and a working phone number of said property manager must be provided to the Town's Secretary at the time of application for renting a house.

Section 9-8-103. Restriction on proportion of rental properties

- (a) Rental properties cannot exceed 20 of the total number of houses within Little Creek.
- (b) Houses cannot be rented without first receiving approval from the Town.
- (c) (intentionally left blank)

Section 9-8-104. Permit- Generally.

- (a) *Single-family dwellings.* It shall be unlawful for any person to operate any single-family rental dwelling without obtaining a permit from the Town of Little Creek in order to determine compliance with the appropriate provisions of this article. The permit shall expire annually on January 31. The fee for the annual permit shall be as provided for in Appendix 4—Fees and Fines. The permit fee for rental dwelling permits issued after January 31st will be prorated from the date the permit is issued until the next January 31st.
- (b) *Multiple-family dwellings.* It shall be unlawful for any person to operate any multiple family dwelling unless same existed prior to the revision of this Section, i.e., prior to October 7, 2019.

- (c) *Late payment penalty.* In the event that the permit fee set forth herein is not paid on the date due, then the permittee shall incur a penalty fee as provided for in Appendix 4—Fees and Fines until the same is paid.
- (d) *Reinstatement fee.* An owner whose permit has been suspended in accordance with section 22-352 shall pay a reinstatement fee as provided for in Appendix 4—Fees and Fines.
- (e) *Lien.* In the event that the property owner fails to pay said fees within 30 days from the date a notice thereof is mailed to the owner, then such fees shall be entered in the municipal lien docket as a lien owing the Town; and the same may be referred for collection.

Section 9-8-105. - Suspension.

- (a) *Grounds; duration.* The Town code enforcer (or if none, the Kent County building inspector) shall recommend to the Town Council suspension of the permit issued or withhold the permit paid for, pursuant to this division, when:
 - (1) The code enforcer (or if none, the Kent County building inspector) determines that any dwelling or the premises surrounding the dwelling fails to meet the requirements of this chapter or any rule or regulation issued pursuant thereto;
 - (2) The failure of the property owner or property manager to initiate and prosecute in good faith eviction proceedings following notification by the Town that the terms of the safe communities lease addendum have been violated; or

Suspension shall last until the violations have been corrected to the satisfaction of the Town Council, after conferring with the code enforcer (or, if applicable, the Kent County building inspector), or the suspension shall have been reversed.

- (b) *Notice of violations.* Upon suspending any permit under this section or withholding the permit paid for, the code enforcer (or if none, the Kent County building inspector) shall notify the owner of the violations of the applicable code and shall prescribe a period in which the violation shall be corrected.
- (c) *Appeal.* Any owner or operator of any dwelling, whose permit to operate the structure is suspended by the Town pursuant to the procedures of this section, shall have the right to appeal and notice as provided in section 22-225.
- (d) *Effect of appeal.* Upon suspension of a permit, or withholding of a permit ordered by the Town and upon the permittee serving the Town Secretary with a notice of appeal pursuant to section 22-225, the permit suspension shall be stayed and an existing permit shall remain in force until the appeal is decided.

Section 9-8-106. Criminal activity.

Tenants of rental dwellings, any member of the tenant's household, any guest or other person under the tenant's control shall not engage in criminal activity on or within 500 feet of the lot on which the rental dwelling resides.

Section 9-8-107. Safe communities lease addendum.

- (a) All residential leases shall include a safe communities lease addendum, signed by the property owner and tenant, in the following form:

In addition to all other terms of the lease, landlord and tenant agree as follows:

- (1) The tenant, any member of the tenant's household, any guest or any other person under the tenant's control on or within 500 feet of the leased premises:
 - i. Shall not engage in criminal activity, including drug-related criminal activity, on or within 500 feet of the leased premises. "Drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession of any illegal or controlled substance defined by 16 Del. C. Ch. 47.
 - ii. Shall not engage in any act intended to facilitate criminal activity.
 - iii. Shall not permit the dwelling unit to be used for or to facilitate any criminal activity.
 - (2) Any activity prohibited by the safe communities lease addendum shall constitute a substantial violation of the lease, material noncompliance with the lease, and grounds for termination of tenancy and eviction.
- (b) The Town shall provide the safe communities lease addendum.
- (c) An executed copy of the safe communities lease addendum shall be required for all rental dwellings in the Town prior to establishment of a utility account for the premises, and prior to issuance of a permit.

Section 9-8-108. Eviction required.

- (a) If the tenant, any member of the tenant's household, any guest or other person under tenant's control engages in criminal activity as defined by section 22-331(c)(1) on three or more occasions within a 12-month period, the Town shall initiate the safe communities lease termination notice procedure directing the property owner or property manager to terminate the tenancy in accordance with subsection (b).
- (b) The Town shall notify the property owner and property manager that they have 30 days to initiate the eviction or otherwise terminate the tenancy. Such notice shall be sent by U.S. Mail, evidenced by Certificate of Mailing, to the property owner and property manager if a property manager is on record with the department of planning and inspections.

PART 2 DANGEROUS BUILDINGS

Section 9-8-200. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dangerous buildings means all buildings or structures which have any or all of the following defects or uses:

- (1) *Leaning interior walls.* Those of which the interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- (2) *Damaged walls, etc.* Those which, exclusive of the foundation, show 33 percent or more of damage or deterioration of the supporting member or members, or 50 percent of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- (3) *Loads on roofs.* Those which have improperly distributed loads upon the floors or roofs or which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.
- (4) *Fire damage, etc.* Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the Town.
- (5) *Unfit for habitation.* Those which have become or are so dilapidated, decayed, unsafe, insanitary or so utterly fail to provide the amenities to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.
- (6) *Light, air, sanitation.* Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.
- (7) *Fire escapes, etc.* Those having inadequate facilities in case of fire or panic, or those having insufficient stairways, elevators, fire escapes, or other means of communication.
- (8) *Loose parts.* Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
- (9) *General welfare.* Those which, because of their condition or use, are unsafe, insanitary, or dangerous to the public health, morals, safety or general welfare of the people of this Town.
- (10) *Code violations.* Those existing in violation of any provisions of the building code of this Town, or any provision of the fire prevention code, or other ordinances of this Town.
- (11) *Drug sales, use, etc.* Those which are being used for the unlawful selling, serving, storing, giving away or manufacturing (which includes the production, preparation, compounding, conversion, processing, packaging or repackaging) of any drug, which includes all narcotic or psychoactive drugs, cannabis, cocaine and all controlled substances as defined in the Uniform Controlled Substances Act (16 Del. C. § 4701 et seq.).
- (12) *Unoccupied buildings.* Those which are left unoccupied and unattended for periods of three months or more so that decay is being accelerated by natural or manmade causes or which may be attracting trespassers and vagrants, increasing the probability of fire and danger to human life.
- (13) *Incomplete buildings.* Those under construction, if the authorized work is substantially suspended or abandoned for a period of three months or more.

Section 9-8-201. Standards for repair, vacation or demolition.

The following standards shall be followed in substance by the Town code enforcer, or if none, the Kent County building inspector in ordering repair, vacation, or demolition of dangerous buildings:

- (1) *Repair.* If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this article, it shall be ordered repaired.
- (2) *Vacated.* If the dangerous building is in such a condition or is being used as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated and closed. Buildings ordered closed shall not be reopened until a certificate of occupancy is issued.
- (3) *Demolition.* In any case where a dangerous building is 50 percent damaged, decayed or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this article, it shall be demolished. In all cases where a dangerous building is a fire hazard as determined by the fire marshal, or is existing or erected in violation of the terms of this article or any ordinance of the Town or statute of the state, it may be demolished.

Section 9-8-202. Nuisance declared.

All dangerous buildings within the terms of section 22-381 are hereby declared to be public nuisances, and shall be repaired, vacated and closed or demolished as hereinbefore and hereafter provided.

Section 9-8-203. Duties of code enforcer/ building inspector.

The code enforcer/building inspector shall:

- (1) *Inspect public buildings.* Inspect or cause to be inspected semiannually all public buildings, or commercial, manufacturing, or loft buildings for the purpose of determining whether any conditions exist which render such places a dangerous building within the terms of section 22-381.
- (2) *Complaints.* Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this article.
- (3) *Reported violations.* Inspect any building, wall or structure reported (as hereinafter provided for) by the fire department of this Town as probably existing in violation of this article.
- (4) *Dangerous buildings.* Inspect such other buildings as shall from time to time come to his/her attention as possibly dangerous buildings within the terms of section 22-381.
- (5) *Notice to owner.* Notify, in writing, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building, as shown by the land records of the recorder of deeds of the county, of any building found by him/her to be a dangerous building within the standards set forth in section 22-381, that:
 - a. *Duties of owner.* The owner must vacate and close, or repair, or demolish said building in accordance with the terms of the notice and this article;
 - b. *Duties of occupant.* The occupant or lessee must vacate and close said building or may have it repaired in accordance with the notice and remain in possession;
 - c. *Persons with interest.* The mortgagee, agent or other persons having an interest in said building, as shown by the land records of the recorder of deeds of the county, may, at their own risk, repair, vacate and close, or demolish said building or have such work or act done; provided that any person notified under this subsection to repair, vacate and close,

or demolish any building shall be given such reasonable time, not exceeding 30 days, as may be necessary to do, or have done, the work or act required by the notice provided for herein;

- d. *Appeal.* The person or entity receiving notice by the building inspector shall have the right to appeal his/her decision directly to the Town Council and have a hearing conducted in accordance with the provisions of section 22-385 before Council, provided that the notice of appeal is filed with the Town Secretary no later than five days after receiving notice from the code enforcer/building inspector.
- (6) *Order to remedy conditions.* Set forth in the notice provided for in subsection (5) hereof a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a dangerous building and an order requiring the same to be put in such condition as to comply with the terms of this article within such length of time, not exceeding 30 days, as is reasonable.
- (7) *Noncompliance with notice.* Report to the Town Council any noncompliance with the notice provided for in subsections (5) and (6) hereof.
- (8) *Testify at hearings.* Appear at all hearings conducted by the Town Council and testify as to the condition of dangerous buildings.
- (9) *Notice on buildings.* Place a notice on all dangerous buildings, reading as follows:
"This building has been found to be a dangerous building by the code enforcer/building inspector. This notice is to remain on this building unit until it is repaired, vacated and closed, or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in said building, as shown by the land records of the recorder of deeds of Kent County. It is unlawful to remove this notice until such notice is complied with."
- (10) *Orders of Council.* Carry out all orders of the Council to cause the repair, vacating and closure, or demolition of dangerous buildings pursuant to section 22-385. In causing the vacating of the dangerous building, the code enforcer/building inspector may request the utilities to be disconnected. In causing the closure of dangerous buildings, and may request the removal from the building of all furniture, equipment and other personal property left by vacated occupants.

Section 9-8-204. Hearing before Council.

The Council of the Town shall:

- (1) *Notice of hearing.* Upon receipt of a report of the code/enforcer/building inspector as provided for in section 22-384(7), give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building, as shown by the records of the recorder of deeds of the county, to appear before it on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated and closed, or demolished in accordance with the statement of particulars set forth in the code enforcer's/building inspector's notice provided for herein in section 22-384(6).
- (2) *Conduct of hearing.* Hold a hearing and hear such testimony as the code enforcer/building inspector or the owner, occupant, mortgagee, lessee, or any other person having an interest in said building, as shown by the land records of the recorder of deeds of the county, shall offer relative to the dangerous building. Hearings relative to reported dangerous buildings as defined in section 22-381(11) shall include the testimony of police, who may submit arrest records, complaint records, and affidavits relative to the property as evidence for the hearing.

- (3) *Findings.* Make written findings of fact from the testimony offered pursuant to subsection (2) of this section as to whether or not the building in question is a dangerous building within the terms of section 22-381.
- (4) *Order.* Issue an order based upon findings of fact made pursuant to subsection (3) of this section, commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building, as shown on the land records of the recorder of deeds of the county, to repair, vacate and close, or demolish any building found to be a dangerous building within the terms of this article, setting the time within which said building shall be repaired, vacated and closed, or demolished, and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said dangerous building; or any person not the owner of said dangerous building but having an interest in said building as shown by the land records of the recorder of deeds of the county may demolish said dangerous building at his own risk to prevent the acquiring of a lien against the land upon which said dangerous building stands by the Town as provided in subsection (5) hereof.
- (5) *Failure to comply.* If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in subsection (4) hereof within ten days, cause such building or structure to be repaired, vacated and closed, or demolished, as the facts may warrant, under the standards hereinbefore provided for in section 22-384, and shall, with any assistance needed, cause the costs of such repair, vacation, or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be added to the tax duplicate as an assessment, or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in a suit at law against the owner, provided that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, morals, safety, or general welfare of the people of this Town, the Council shall take legal action to force the owner to make all necessary repairs or demolish the building.

Section 9-8-205. Violations; penalty for disregarding notices or orders.

- (a) *Violations by owner.* The owner of any dangerous building who shall fail to comply with any notice or order to repair, vacate and close, or demolish said building given by the Council shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined as provided for in Appendix 4—Fees and Fines.
- (b) *Violations by occupant or lessee.* The occupant or lessee in possession who fails to comply with any notice to vacate and close or who fails to repair said building in accordance with any notice given by the Council as provided for in this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined as provided for in Appendix 4—Fees and Fines.
- (c) *Removal of notice.* Any person removing the notice provided for in section 22-384(9) shall be guilty of a misdemeanor and, upon conviction, shall be fined as provided for in Appendix 4—Fees and Fines.
- (d) *Late payment.* Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.

Section 9-8-206. RESERVED

Section 9-8-207. Emergency cases.

In cases where it reasonably appears that there is an immediate danger to the life or safety of any person, unless a dangerous building is immediately repaired, vacated and closed, or demolished, the code enforcer/building inspector shall report such facts to the Council, which may cause the immediate repair, vacating, or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in section 22-385(5).

Section 9-8-208. Procedure when owner absent from the Town.

In cases, except emergency cases, where the owner, occupant, lessee, or mortgagee is absent from the Town, all notices or orders provided for herein shall be sent by registered or certified mail to the owner, occupant, mortgagee, lessee, property manager, and all other persons having an interest in said building, as shown by the land records of the recorder of deeds of the county, to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates. Such mailing and posting shall be deemed adequate service.

Section 9-8-209. Administrative liability.

No officer, agent, or employee of the Town shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this article. Any suit against any officer, agent, or employee of the Town as a result of any act required or permitted in the discharge of his duties under this article shall be defended by the Town until the final determination of the proceedings therein.

Section 9-8-210. - Duties of fire marshal and others.

The fire marshal, members of the fire department, officers of a police department, and others shall report to the code enforcer/building inspector all buildings or structures within the Town which shall come to their knowledge or attention as being dangerous buildings within the terms of this article.

PART 3 VACANT BUILDINGS

Section 9-8-300. Purpose; applicability; definitions.

- (a) *Purpose.* The purpose and intent of this article is to establish a registration and identification program of vacant buildings within the Town. Vacant buildings are detrimental to the surrounding buildings and neighborhoods in which they exist. The article is also to ensure the public health, safety and welfare insofar as they are affected by vacant buildings within the Town. The health, safety and welfare of the neighborhoods in which vacant buildings are located are of the utmost importance to the Town, as is the general community character in which these vacant buildings are located.

- (b) *Applicability.* The provisions of this article shall apply to all matters affecting or relating to vacant buildings. Where, in this article, different sections of this Code may specify different requirements, the most restrictive shall govern.
- (c) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribe to them in this subsection, except where the context clearly indicates a different meaning.
 - (1) *Vacant building* means a building, structure, or dwelling that has been unoccupied for more than three consecutive months; or a commercial tenant space greater than 10,000 square feet in an otherwise occupied building, that has been left unoccupied for more than three consecutive months.
 - (2) *Actively for sale or lease* means the building is being actively marketed through a licensed real estate broker or the owner who is regularly advertising the property in newspapers circulated in and around Dover, it is being offered for sale or lease at a cost of no more than 25 percent over market rate as determined by the Kent County assessor, and the building is in reasonable condition for sale or lease, including but not limited to: no trash has collected inside or outside of the building, the utilities are functional, and it is not being used as storage that is unrelated to the former use.

Section 9-8-301. Monitoring, inspection and condition standards.

- (a) The code enforcer/building inspector shall inspect any premises in the Town for the purpose of enforcing and assuring compliance with the provisions of this article. Upon request of the code enforcer/building inspector, an owner shall provide access to all interior portions of a vacant building in order to permit a complete inspection.

Once a building/structure/unit or residence (hereon after referred to as building) is registered as a vacant building, the vacant building shall be inspected annually for as long as it is considered vacant.

- (b) The vacant building shall be secured; the exterior building and premises shall be maintained in accordance with all Town requirements.
- (c) The vacant building shall be in reasonable condition (all utilities shall be functional, there shall be no trash or debris inside or outside the building and it shall not to be used as storage that is unrelated to the former use).

Section 9-8-302. Agent—Responsible person required.

- (a) *Property manager.* Any owner of a vacant building, residing outside of the county, shall be required to have a licensed property manager residing or having an office located in the county, or a family member or other designated individual who does not manage any other real estate for a fee and who resides in the county acting as a property manager. The property manager, including family members and designated individuals, shall have charge, care and control of the vacant building, and shall provide access to the vacant building for inspection upon request by the code enforcer/building inspector, within 30 days.
- (b) *Corporate or partnership owners.* Any corporation or partnership owning a vacant building shall have a designated member, partner, or employee having charge, care and control of the vacant building. The designated member, partner or employee shall reside in or have an office located in the county, or shall be required to have a licensed property manager residing or having an office located in the county, or other designated individual who does not manage any other real estate for a fee, and who resides in the county, acting as a property manager. The property manager, or other

designated individuals shall have charge, care and control of the vacant building, and shall provide access to the vacant building for inspection, upon request by the code enforcer/building inspector, within 30 days.

Section 9-8-303. Registration and registration fee.

(a) *Registration of building.* There are two ways to register the building as vacant.

- (1) The owner shall register with the Town not later than 30 days after any building in the Town becomes vacant, as defined.

The registration of the vacant building shall include the site address, the name of the current owner or owners, current address of the owner and of all applicable owners, tax parcel number, proof of insurance on the building, description of the condition of the building, plans for the building (to eliminate the vacancy), the responsible person or agent and their contact information and any other applicable information. If any information changes the owner is responsible for informing the Town of those changes in a timely manner.

- (2) The code enforcer/building inspector or his designee, shall investigate any property that may be subject to registration. Based upon his findings, he may refer the property to the Town Council.

a. *Notice of registration.* Within five business days of such registration, the Town office shall notify the owners of the registered property by certified mail at their last known address according to the records of the Town and Kent County.

b. *Registration fee.*

- (i) The annual registration fee shall be paid at the time of registration. If the building inspector registers the building as vacant, the fee shall be due not later than 30 days after the building is registered as vacant. The annual registration fee will then be due on the registration anniversary date every year after that as long as it remains vacant. The starting point for counting a building as being vacant will begin on the date of the enactment of this article, i.e. October 7, 2019.
- (ii) The annual fee is as provided for in Appendix 1 —Fees and Fines.

Section 9-8-304. Violation and penalties.

(a) If the registration fee is not paid within 30 days of being due, the owner shall be in violation of this article.

- (1) A lien can be assessed against the property. Such fees shall be entered in the municipal lien docket as a lien owing the Town, and the same may be referred for collection.
- (2) The fee will be assessed to the parcel's tax bill.
- (3) The fee shall be paid in full prior to the transfer of title.
- (4) The fee shall be paid in full prior to the issuance of any building permits for the subject building and for any other building that is owned by the owner within the Town.

Section 9-8-305. Exemptions—Types of buildings eligible for exemption status from the registration fee.

- (a) The following are exempt from the registration: The building has fire damage. The owner has 90 days to file for a permit to start construction or demolition or it will be determined a vacant property.
- (b) The following properties shall be registered as vacant, but they are exempt from the registration fee:
 - (1) The building is actively being offered for sale or lease for a maximum period of five years. After such time this article will be in effect. Proof of activity shall fall on the owner to provide. See definition.
The owner has obtained a building permit and is progressing in an expedient manner to prepare the premises for occupancy.
 - (3) The property is in probate or where the owner has entered a long-term care facility within six months of the building being vacant.
 - (4) The property is undergoing environmental cleanup or assessment.
- (c) Failure to register. If the owner of the property fails to register the property with the Town within 30 days of notification to do so by the Town Secretary, then the property owner/agent may not be entitled to exemption from the fees.

Section 9-8-306. Appeal of the 25 percent over market rate.

An appeal of the 25 percent over market rate (from the actively for sale or lease definition) can be considered through an appraisal using accepted appraisal standards to determine market rate. The owner has the option of asking Kent County to perform the appraisal or having one performed (using accepted appraisal standards) at their own expense.

APPENDIX 1

Article 9. Subdivision & Land Development	Fees and Fines
Article 9. Part 1 Rental Dwellings	
Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.	
Section 9-8-101 Inspection required	
Subsection (b) Reinspection fee (not subject to doubling)	
First follow-up inspection	\$0.00
Each subsequent reinspection, per inspection	\$50.00
If the permit fee is not paid on the due date, the permittee shall incur a penalty fee of ten percent per month of the amount of the license fee until the same is paid.	
Section 9-8-104 Generally	
Subsection (a) Single family dwellings, annual permit	
New Single-family detached dwellings, annual permit, starting upon the passage of this ordinance i.e. October 7, 2019	\$500.00
Existing Single-family detached dwellings, annual permit, starting 12 months after passage of this ordinance, i.e. 12 months after October 7, 2019	\$250.00 the first year \$500.00 the second and all following years
Multiple-family dwellings other than those existing as of October 7, 2019 are not permitted. Multiple-family dwellings existing as of the date of this 10/7/2019 ordinance shall be eliminated with the sale or transfer of the property. Until eliminated, Multiple family dwellings shall be required to obtain an annual permit, starting 12 months after passage of this ordinance, i.e. 12 months after October 7, 2019.	\$250.00 the first year \$500.00 the second and all following years
Subsection (c) Late payment penalty	
A penalty fee in the amount of ten percent per month of the amount of the license fee shall be incurred by the permittee until the same is paid.	
Article 9 Part 2. Dangerous Buildings	
Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.	
Section 9-8-205 Violations; penalties for disregarding notices or orders	
Subsection (a) Violations by owner, each offense, minimum	\$100.00
Subsection (b) Violations by occupant or lessee, each offense, minimum	\$100.00
Subsection (c) Removal of notice, each offense, not to exceed	\$100.00
Article 9 Part 3. Vacant Buildings	
Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.	

Section 9-8-303 Registration and registration fees	
Residential and non residential buildings fewer than 10,000 square feet of floor area:	
Buildings vacant one year or less	\$500.00
Buildings vacant one year but less than two years	\$750.00
Buildings vacant for more than two years but less than three years	\$1500.00
Buildings vacant for more than three years but less than five years	\$3,000.00
Buildings vacant for five years or longer	\$5,000.00